

2ESHB 2016 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 8.25 RCW
4 to read as follows:

5 (1) At the time the condemnor provides written notice of its intent
6 to acquire the property to a property owner or at least ninety days
7 prior to the time the condemnor issues its notice of planned final
8 action under RCW 8.25.290, whichever occurs first, the condemnor shall
9 inform the owner that his or her property may be the subject of
10 condemnation. The condemnor shall include a written statement
11 documenting the condemnor's consideration of and reasons for rejecting
12 alternatives to the condemnation sought or to the nature or extent of
13 the condemnation sought. The condemnor shall further inform the owner
14 that the condemnor must consider any reasonable alternative to
15 condemnation or any reasonable alternative to the nature and extent of
16 condemnation suggested by the property owner in writing as provided in
17 subsection (3) of this section.

18 (2) The condemnor's written notice of intent to acquire property or
19 its written offer of just compensation shall be delivered personally,
20 or in the same manner as provided in RCW 8.25.290(2)(a)(i).

21 (3) The condemnor shall accept for consideration all reasonable
22 alternatives submitted by the owner up to ninety days after the
23 condemnor provides written notice to acquire the property to the
24 property owner or no later than ninety days after the condemnor
25 provides notice of consideration of other alternatives, whichever
26 occurs first. The condemnor shall give thorough consideration to all
27 reasonable alternatives and provide a written response to the owner
28 regarding its decision on the alternatives prior to taking final action
29 as defined in RCW 8.25.290. If the condemnor does not adopt an
30 alternative proposed by the property owner, it shall include in its

1 response an explanation of the reasons the alternative was rejected.
2 Reasonable alternatives must be related to the specific property to be
3 condemned and shall not include alternatives to the overall project for
4 which the condemnation is sought.

5 (4) This section does not affect or alter the standard of judicial
6 review of public use and necessity in a condemnation action.

7 (5) For purposes of this section, "property" means real property or
8 a portion of real property.

9 **Sec. 2.** RCW 8.25.020 and 1999 c 52 s 1 are each amended to read as
10 follows:

11 There shall be paid by the condemnor in respect of each parcel of
12 real property acquired by eminent domain or by consent under threat
13 thereof, in addition to the fair market value of the property, a sum
14 equal to the ~~((various expenditures actually and reasonably))~~
15 reasonable expenses actually incurred by those with an interest or
16 interests in said parcel in the process of evaluating the condemnor's
17 offer to buy the same, but not to exceed ~~((a total of seven hundred
18 fifty dollars))~~ the lesser of: (1) Ten thousand dollars; or (2) one
19 percent of the value of the parcel as determined by the condemnor's
20 fair market value appraisal or seven hundred fifty dollars, whichever
21 is greater. Reasonable expenses shall be limited to the evaluation of
22 the sufficiency of the offer to purchase real property and shall not
23 include costs incurred to evaluate or propose reasonable alternatives
24 to the condemnation in section 1 of this act or to evaluate or
25 challenge the legality of the condemnation process or the legality of
26 the ongoing project for which the condemnation is sought. In the case
27 of multiple interests in a parcel, the division of such sum shall be
28 determined by the court or by agreement of the parties.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 8.25 RCW
30 to read as follows:

31 When real property is acquired through condemnation or under the
32 threat of condemnation, the owner of the property shall have an option
33 to repurchase the property in accordance with this section. It shall
34 be a part of the purchase and sale agreement or other agreement for the
35 transfer of the property to the acquiring entity. The option to

1 repurchase should be recorded in the real property records of the
2 county where the property is located.

3 (1) If, within twenty years after the date real property was
4 transferred to an acquiring entity through or under the threat of
5 condemnation, the acquiring entity determines that all or a portion of
6 the property or an interest in the property is no longer necessary for
7 a public purpose, a former owner may exercise the option to repurchase
8 the property in accordance with this section.

9 (a) At least ninety days prior to the date on which the acquiring
10 entity will announce a public process for property disposition or, if
11 the sale is to be negotiated, at least ninety days prior to the date on
12 which a purchase and sale agreement or similar document is to be
13 signed, the acquiring entity shall (i) publish notice of its
14 determination to sell the property or a portion of the property in a
15 legal newspaper of general circulation in the area where the property
16 to be sold is located, (ii) describe generally any easements, other
17 restrictions, or reserved rights the acquiring entity intends to retain
18 upon sale, and (iii) mail notice of the determination to the former
19 owner of the property at the former owner's last known address or to a
20 forwarding address if that owner has provided the acquiring entity with
21 a forwarding address by written notice to the department or office
22 responsible for the acquisition.

23 (b) If the former owner notifies the acquiring entity in writing
24 within ninety days of the date of notice provided under (a) of this
25 subsection that the former owner intends to exercise the repurchase
26 option granted by this section, the acquiring entity shall, unless it
27 already has a completed current independent appraisal for the property,
28 immediately arrange for an independent appraisal to determine the fair
29 market value of the property or portion of property subject to
30 repurchase. In addition, the independent appraisal shall separately
31 state the value of any physical changes to the property, such as
32 improvements or removal of structures. Within thirty days of receipt
33 of the former owner's notice of intent to exercise the repurchase
34 option or following the acquiring entity's receipt of the appraisal,
35 the acquiring entity shall provide the former owner with a written copy
36 of the appraisal. All costs of appraisal shall be paid by the
37 acquiring entity. If the former owner does not provide timely written

1 notice to the acquiring entity of the intent to exercise a repurchase
2 option, that option is extinguished and the acquiring entity is
3 relieved of any further obligation under this section.

4 (c) Within thirty days of the date the acquiring entity provides a
5 written copy of the appraisal to the former owner under (b) of this
6 subsection, or within thirty days following the former owner's failure
7 to initiate a lawsuit or failure to demand binding arbitration under
8 (e) of this subsection, or within thirty days of the completion of any
9 proceedings under (e) of this subsection, the former owner may exercise
10 the repurchase option granted by this section by delivering to the
11 acquiring entity earnest money or a deposit in a form determined by the
12 acquiring entity in an amount equal to five percent of the appraised
13 value, together with a written promise to pay, within thirty days, the
14 following:

15 (i) The lesser of (A) the appraised value less the earnest money or
16 deposit, or (B) an amount equal to the compensation received from the
17 acquiring entity when the property or portion of property was condemned
18 or sold under threat of condemnation adjusted for inflation, and with
19 the amount adjusted to reflect the value of any physical changes to the
20 property, such as improvements or removal of structures, as determined
21 by the independent appraisal, less the earnest money or deposit; and

22 (ii) All required fees and costs otherwise required for the
23 transfer of real property.

24 (d) Upon receipt of the full payment required in (c) of this
25 subsection, the acquiring entity shall transfer title to the former
26 owner, subject to any easements, other restrictions, or reserved rights
27 retained by the acquiring entity. If the former owner fails to
28 complete the sale, the earnest money or deposit is forfeited to the
29 acquiring entity, the former owner's repurchase option is extinguished,
30 and the acquiring entity is relieved of any further obligation under
31 this section.

32 (e) If the acquiring entity and the former owner cannot agree on
33 the amount of compensation paid for a portion of the property under
34 (c)(i)(B) of this subsection within thirty days of the date the
35 acquiring entity provides a written copy of the appraisal to the former
36 owner under (b) of this subsection, the acquiring entity and the former
37 owner shall each arrange for an independent appraisal of the just
38 compensation allocation to the portion of the property to be sold. If

1 the acquiring entity and the former owner cannot then agree on the
2 amount, the former owner may initiate a lawsuit to determine the
3 amount, or may demand, in writing, binding arbitration in which case
4 all appraisals shall be submitted to a third, independent appraiser.
5 The third appraiser shall sit as an arbitrator and determine the amount
6 of just compensation under (c)(i)(B) of this subsection. The
7 arbitrator's decision shall be final and binding. The acquiring entity
8 and former owner shall bear their own costs and fees, and pay equally
9 the costs and fees of the arbitrator.

10 (2) The acquiring entity may reject a notice of intent under
11 subsection (1)(b) of this section received from a person claiming to be
12 a successor or assignee that is not accompanied by evidence sufficient
13 to demonstrate that the person is the successor or assignee of the
14 person from whom the acquiring entity acquired title.

15 (3) The obligations imposed on an acquiring entity in this section
16 are in addition to any provided by law for the surplusing or sale of
17 public property to private parties. Nothing in this section precludes
18 an acquiring entity from retaining the property and determining not to
19 surplus and sell the property.

20 (4) Notwithstanding subsections (1) through (3) of this section,
21 this section shall not apply if:

22 (a) The United States government or an agency thereof determines
23 that application of this section is inconsistent with federal laws,
24 regulations, or policies or would reduce eligibility for federal
25 funding;

26 (b) Transfer of title to all or a portion of the property to
27 another governmental entity or party is required as part of the project
28 or public purpose for which the property was originally acquired; and

29 (c) The sale or disposal of property to a public entity is for a
30 public purpose.

31 (5) For the purposes of this section:

32 (a) "Former owner" means the person or persons from whom the
33 acquiring entity acquired title or that person's or those persons'
34 successors or assigns to the property or property interest that is
35 subject to the repurchase right.

36 (b) "Market rate" means two percentage points above the equivalent
37 coupon issue yield, as published by the board of governors of the
38 federal reserve system, of the average bill rate for twenty-six week

1 treasury bills as determined at the first bill market auction conducted
2 during the calendar month immediately following the date when the
3 acquiring entity provided compensation to the former owner at the time
4 the property was condemned or sold under threat of condemnation.

5 (c) "Property" means real property or a portion of real property.

6 **Sec. 4.** RCW 28A.335.120 and 2006 c 263 s 913 are each amended to
7 read as follows:

8 (1) The board of directors of any school district of this state
9 may:

10 (a) Sell for cash, at public or private sale, and convey by deed
11 all interest of the district in or to any of the real property of the
12 district which is no longer required for school purposes; and

13 (b) Purchase real property for the purpose of locating thereon and
14 affixing thereto any house or houses and appurtenant buildings removed
15 from school sites owned by the district and sell for cash, at public or
16 private sale, and convey by deed all interest of the district in or to
17 such acquired and improved real property.

18 (2) When the board of directors of any school district proposes a
19 sale of school district real property pursuant to this section and the
20 value of the property exceeds seventy thousand dollars, the board shall
21 publish a notice of its intention to sell the property. The notice
22 shall be published at least once each week during two consecutive weeks
23 in a legal newspaper with a general circulation in the area in which
24 the school district is located. The notice shall describe the property
25 to be sold and designate the place where and the day and hour when a
26 hearing will be held. The board shall hold a public hearing upon the
27 proposal to dispose of the school district property at the place and
28 the day and hour fixed in the notice and admit evidence offered for and
29 against the propriety and advisability of the proposed sale.

30 (3) The board of directors of any school district desiring to sell
31 surplus real property shall publish a notice in a newspaper of general
32 circulation in the school district. School districts shall not sell
33 the property for at least forty-five days following the publication of
34 the newspaper notice.

35 (4) Private schools shall have the same rights as any other person
36 or entity to submit bids for the purchase of surplus real property and
37 to have such bids considered along with all other bids.

1 (5) Any sale of school district real property authorized pursuant
2 to this section shall be preceded by a market value appraisal by a
3 professionally designated real estate appraiser as defined in RCW
4 74.46.020 or a general real estate appraiser certified under chapter
5 18.140 RCW selected by the board of directors and no sale shall take
6 place if the sale price would be less than ninety percent of the
7 appraisal made by the real estate appraiser: PROVIDED, That if the
8 property has been on the market for one year or more the property may
9 be reappraised and sold for not less than seventy-five percent of the
10 reappraised value with the unanimous consent of the board.

11 (6) If in the judgment of the board of directors of any district
12 the sale of real property of the district not needed for school
13 purposes would be facilitated and greater value realized through use of
14 the services of licensed real estate brokers, a contract for such
15 services may be negotiated and concluded: PROVIDED, That the use of a
16 licensed real estate broker will not eliminate the obligation of the
17 board of directors to provide the notice described in this section:
18 PROVIDED FURTHER, That the fee or commissions charged for any broker
19 services shall not exceed seven percent of the resulting sale value for
20 a single parcel: PROVIDED FURTHER, That any professionally designated
21 real estate appraiser as defined in RCW 74.46.020 or a general real
22 estate appraiser certified under chapter 18.140 RCW selected by the
23 board to appraise the market value of a parcel of property to be sold
24 may not be a party to any contract with the school district to sell
25 such parcel of property for a period of three years after the
26 appraisal.

27 (7) If in the judgment of the board of directors of any district
28 the sale of real property of the district not needed for school
29 purposes would be facilitated and greater value realized through sale
30 on contract terms, a real estate sales contract may be executed between
31 the district and buyer.

32 (8) This section is subject to and operates only to the extent its
33 application is not inconsistent with the operation of section 3 of this
34 act with respect to property acquired through or under the threat of
35 condemnation.

36 **Sec. 5.** RCW 35.58.340 and 1993 c 240 s 9 are each amended to read
37 as follows:

1 Except as otherwise provided herein, a metropolitan municipal
2 corporation may sell, or otherwise dispose of any real or personal
3 property acquired in connection with any authorized metropolitan
4 function and which is no longer required for the purposes of the
5 metropolitan municipal corporation in the same manner as provided for
6 cities. When the metropolitan council determines that a metropolitan
7 facility or any part thereof which has been acquired from a component
8 city or county without compensation is no longer required for
9 metropolitan purposes, but is required as a local facility by the city
10 or county from which it was acquired, the metropolitan council shall by
11 resolution transfer it to such city or county. This section is subject
12 to and operates only to the extent its application is not inconsistent
13 with the operation of section 3 of this act with respect to property
14 acquired through or under the threat of condemnation.

15 **Sec. 6.** RCW 35.80A.030 and 1989 c 271 s 241 are each amended to
16 read as follows:

17 A county, city, or town may dispose of real property acquired
18 pursuant to this section to private persons only under such reasonable,
19 competitive procedures as it shall prescribe. The county, city, or
20 town may accept such proposals as it deems to be in the public interest
21 and in furtherance of the purposes of this chapter. Thereafter, the
22 county, city, or town may execute and deliver contracts, deeds, leases,
23 and other instruments of transfer. This section is subject to and
24 operates only to the extent its application is not inconsistent with
25 the operation of section 3 of this act with respect to property
26 acquired through or under the threat of condemnation.

27 **Sec. 7.** RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended
28 to read as follows:

29 Whenever a city shall determine, by resolution of its legislative
30 authority, that any lands, property, or equipment originally acquired
31 for public utility purposes is surplus to the city's needs and is not
32 required for providing continued public utility service, then such
33 legislative authority by resolution and after a public hearing may
34 cause such lands, property, or equipment to be leased, sold, or
35 conveyed. Such resolution shall state the fair market value or the

1 rent or consideration to be paid and such other terms and conditions
2 for such disposition as the legislative authority deems to be in the
3 best public interest.

4 The provisions of RCW 35.94.020 and 35.94.030 shall not apply to
5 dispositions authorized by this section.

6 This section is subject to and operates only to the extent its
7 application is not inconsistent with the operation of section 3 of this
8 act with respect to property acquired through or under the threat of
9 condemnation.

10 **Sec. 8.** RCW 36.68.010 and 1963 c 4 s 36.68.010 are each amended to
11 read as follows:

12 Counties may establish park and playground systems for public
13 recreational purposes and for such purposes shall have the power to
14 acquire lands, buildings and other facilities by gift, purchase, lease,
15 devise, bequest and condemnation. A county may lease or sell any park
16 property, buildings or facilities surplus to its needs, or no longer
17 suitable for park purposes: PROVIDED, That such park property shall be
18 subject to the requirements and provisions of notice, hearing, bid or
19 intergovernmental transfer as provided in chapter 36.34 RCW: PROVIDED
20 FURTHER, That nothing in this section shall be construed as authorizing
21 any county to sell any property which such county acquired by
22 condemnation for park or playground or other public recreational
23 purposes on or after January 1, 1960, until held for five years or more
24 after such acquisition: PROVIDED FURTHER, That funds acquired from the
25 lease or sale of any park property, buildings or facilities shall be
26 placed in the park and recreation fund to be used for capital purposes.

27 This section is subject to and operates only to the extent its
28 application is not inconsistent with the operation of section 3 of this
29 act with respect to property acquired through or under the threat of
30 condemnation.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 39.33 RCW
32 to read as follows:

33 This chapter is subject to and operates only to the extent its
34 application is not inconsistent with the operation of section 3 of this
35 act with respect to property acquired through or under the threat of
36 condemnation.

1 **Sec. 10.** RCW 43.43.115 and 1993 c 438 s 1 are each amended to read
2 as follows:

3 Whenever real property owned by the state of Washington and under
4 the jurisdiction of the Washington state patrol is no longer required,
5 it may be sold at fair market value. All proceeds received from the
6 sale of real property, less any real estate broker commissions, shall
7 be deposited into the state patrol highway account: PROVIDED, That if
8 accounts or funds other than the state patrol highway account have
9 contributed to the purchase or improvement of the real property, the
10 office of financial management shall determine the proportional equity
11 of each account or fund in the property and improvements, and shall
12 direct the proceeds to be deposited proportionally therein. This
13 section is subject to and operates only to the extent its application
14 is not inconsistent with the operation of section 3 of this act with
15 respect to property acquired through or under the threat of
16 condemnation.

17 **Sec. 11.** RCW 43.82.010 and 2007 c 506 s 8 are each amended to read
18 as follows:

19 (1) The director of general administration, on behalf of the agency
20 involved and after consultation with the office of financial
21 management, shall purchase, lease, lease purchase, rent, or otherwise
22 acquire all real estate, improved or unimproved, as may be required by
23 elected state officials, institutions, departments, commissions,
24 boards, and other state agencies, or federal agencies where joint state
25 and federal activities are undertaken and may grant easements and
26 transfer, exchange, sell, lease, or sublease all or part of any surplus
27 real estate for those state agencies which do not otherwise have the
28 specific authority to dispose of real estate. This section does not
29 transfer financial liability for the acquired property to the
30 department of general administration.

31 (2) Except for real estate occupied by federal agencies, the
32 director shall determine the location, size, and design of any real
33 estate or improvements thereon acquired or held pursuant to subsection
34 (1) of this section. Facilities acquired or held pursuant to this
35 chapter, and any improvements thereon, shall conform to standards
36 adopted by the director and approved by the office of financial
37 management governing facility efficiency unless a specific exemption

1 from such standards is provided by the director of general
2 administration. The director of general administration shall report to
3 the office of financial management and the appropriate committees of
4 the legislature annually on any exemptions granted pursuant to this
5 subsection.

6 (3) The director of general administration may fix the terms and
7 conditions of each lease entered into under this chapter, except that
8 no lease shall extend greater than twenty years in duration. The
9 director of general administration may enter into a long-term lease
10 greater than ten years in duration upon a determination by the director
11 of the office of financial management that the long-term lease provides
12 a more favorable rate than would otherwise be available, it appears to
13 a substantial certainty that the facility is necessary for use by the
14 state for the full length of the lease term, and the facility meets the
15 standards adopted pursuant to subsection (2) of this section. The
16 director of general administration may enter into a long-term lease
17 greater than ten years in duration if an analysis shows that the life-
18 cycle cost of leasing the facility is less than the life-cycle cost of
19 purchasing or constructing a facility in lieu of leasing the facility.

20 (4) Except as permitted under chapter 39.94 RCW, no lease for or on
21 behalf of any state agency may be used or referred to as collateral or
22 security for the payment of securities offered for sale through a
23 public offering. Except as permitted under chapter 39.94 RCW, no lease
24 for or on behalf of any state agency may be used or referred to as
25 collateral or security for the payment of securities offered for sale
26 through a private placement without the prior written approval of the
27 state treasurer. However, this limitation shall not prevent a lessor
28 from assigning or encumbering its interest in a lease as security for
29 the repayment of a promissory note provided that the transaction would
30 otherwise be an exempt transaction under RCW 21.20.320. The state
31 treasurer shall adopt rules that establish the criteria under which any
32 such approval may be granted. In establishing such criteria the state
33 treasurer shall give primary consideration to the protection of the
34 state's credit rating and the integrity of the state's debt management
35 program. If it appears to the state treasurer that any lease has been
36 used or referred to in violation of this subsection or rules adopted
37 under this subsection, then he or she may recommend that the governor
38 cause such lease to be terminated. The department of general

1 administration shall promptly notify the state treasurer whenever it
2 may appear to the department that any lease has been used or referred
3 to in violation of this subsection or rules adopted under this
4 subsection.

5 (5) It is the policy of the state to encourage the colocation and
6 consolidation of state services into single or adjacent facilities,
7 whenever appropriate, to improve public service delivery, minimize
8 duplication of facilities, increase efficiency of operations, and
9 promote sound growth management planning.

10 (6) The director of general administration shall provide
11 coordinated long-range planning services to identify and evaluate
12 opportunities for colocating and consolidating state facilities. Upon
13 the renewal of any lease, the inception of a new lease, or the purchase
14 of a facility, the director of general administration shall determine
15 whether an opportunity exists for colocating the agency or agencies in
16 a single facility with other agencies located in the same geographic
17 area. If a colocation opportunity exists, the director of general
18 administration shall consult with the affected state agencies and the
19 office of financial management to evaluate the impact colocation would
20 have on the cost and delivery of agency programs, including whether
21 program delivery would be enhanced due to the centralization of
22 services. The director of general administration, in consultation with
23 the office of financial management, shall develop procedures for
24 implementing colocation and consolidation of state facilities.

25 (7) The director of general administration is authorized to
26 purchase, lease, rent, or otherwise acquire improved or unimproved real
27 estate as owner or lessee and to lease or sublet all or a part of such
28 real estate to state or federal agencies. The director of general
29 administration shall charge each using agency its proportionate rental
30 which shall include an amount sufficient to pay all costs, including,
31 but not limited to, those for utilities, janitorial and accounting
32 services, and sufficient to provide for contingencies; which shall not
33 exceed five percent of the average annual rental, to meet unforeseen
34 expenses incident to management of the real estate.

35 (8) If the director of general administration determines that it is
36 necessary or advisable to undertake any work, construction, alteration,
37 repair, or improvement on any real estate acquired pursuant to
38 subsection (1) or (7) of this section, the director shall cause plans

1 and specifications thereof and an estimate of the cost of such work to
2 be made and filed in his or her office and the state agency benefiting
3 thereby is hereby authorized to pay for such work out of any available
4 funds: PROVIDED, That the cost of executing such work shall not exceed
5 the sum of twenty-five thousand dollars. Work, construction,
6 alteration, repair, or improvement in excess of twenty-five thousand
7 dollars, other than that done by the owner of the property if other
8 than the state, shall be performed in accordance with the public works
9 law of this state.

10 (9) In order to obtain maximum utilization of space, the director
11 of general administration shall make space utilization studies, and
12 shall establish standards for use of space by state agencies. Such
13 studies shall include the identification of opportunities for
14 colocation and consolidation of state agency office and support
15 facilities.

16 (10) The director of general administration may construct new
17 buildings on, or improve existing facilities, and furnish and equip,
18 all real estate under his or her management. Prior to the construction
19 of new buildings or major improvements to existing facilities or
20 acquisition of facilities using a lease purchase contract, the director
21 of general administration shall conduct an evaluation of the facility
22 design and budget using life-cycle cost analysis, value-engineering,
23 and other techniques to maximize the long-term effectiveness and
24 efficiency of the facility or improvement.

25 (11) All conveyances and contracts to purchase, lease, rent,
26 transfer, exchange, or sell real estate and to grant and accept
27 easements shall be approved as to form by the attorney general, signed
28 by the director of general administration or the director's designee,
29 and recorded with the county auditor of the county in which the
30 property is located.

31 (12) The director of general administration may delegate any or all
32 of the functions specified in this section to any agency upon such
33 terms and conditions as the director deems advisable. By January 1st
34 of each year, beginning January 1, 2008, the department shall submit an
35 annual report to the office of financial management and the appropriate
36 committees of the legislature on all delegated leases.

37 (13) This section does not apply to the acquisition of real estate
38 by:

1 (a) The state college and universities for research or experimental
2 purposes;

3 (b) The state liquor control board for liquor stores and
4 warehouses; and

5 (c) The department of natural resources, the department of fish and
6 wildlife, the department of transportation, and the state parks and
7 recreation commission for purposes other than the leasing of offices,
8 warehouses, and real estate for similar purposes.

9 (14) Notwithstanding any provision in this chapter to the contrary,
10 the department of general administration may negotiate ground leases
11 for public lands on which property is to be acquired under a financing
12 contract pursuant to chapter 39.94 RCW under terms approved by the
13 state finance committee.

14 (15) The department of general administration shall report annually
15 to the office of financial management and the appropriate fiscal
16 committees of the legislature on facility leases executed for all state
17 agencies for the preceding year, lease terms, and annual lease costs.
18 The report must include leases executed under RCW 43.82.045 and
19 subsection (12) of this section.

20 (16) This section is subject to and operates only to the extent its
21 application is not inconsistent with the operation of section 3 of this
22 act with respect to property acquired through or under the threat of
23 condemnation.

24 **Sec. 12.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
25 as follows:

26 (1) It is the intent of the legislature to continue the
27 department's policy giving priority consideration to abutting property
28 owners in agricultural areas when disposing of property through its
29 surplus property program under this section.

30 (2) Whenever the department determines that any real property owned
31 by the state of Washington and under the jurisdiction of the department
32 is no longer required for transportation purposes and that it is in the
33 public interest to do so, the department may sell the property or
34 exchange it in full or part consideration for land or improvements or
35 for construction of improvements at fair market value to any of the
36 following governmental entities or persons:

37 (a) Any other state agency;

1 (b) The city or county in which the property is situated;
2 (c) Any other municipal corporation;
3 (d) Regional transit authorities created under chapter 81.112 RCW;
4 (e) The former owner of the property from whom the state acquired
5 title;

6 (f) In the case of residentially improved property, a tenant of the
7 department who has resided thereon for not less than six months and who
8 is not delinquent in paying rent to the state;

9 (g) Any abutting private owner but only after each other abutting
10 private owner (if any), as shown in the records of the county assessor,
11 is notified in writing of the proposed sale. If more than one abutting
12 private owner requests in writing the right to purchase the property
13 within fifteen days after receiving notice of the proposed sale, the
14 property shall be sold at public auction in the manner provided in RCW
15 47.12.283;

16 (h) To any person through the solicitation of written bids through
17 public advertising in the manner prescribed by RCW 47.28.050;

18 (i) To any other owner of real property required for transportation
19 purposes;

20 (j) In the case of property suitable for residential use, any
21 nonprofit organization dedicated to providing affordable housing to
22 very low-income, low-income, and moderate-income households as defined
23 in RCW 43.63A.510 and is eligible to receive assistance through the
24 Washington housing trust fund created in chapter 43.185 RCW; or

25 (k) A federally recognized Indian tribe within whose reservation
26 boundary the property is located.

27 (3) Sales to purchasers may at the department's option be for cash,
28 by real estate contract, or exchange of land or improvements.
29 Transactions involving the construction of improvements must be
30 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
31 and must comply with all other applicable laws and rules.

32 (4) Conveyances made pursuant to this section shall be by deed
33 executed by the secretary of transportation and shall be duly
34 acknowledged.

35 (5) Unless otherwise provided, all moneys received pursuant to the
36 provisions of this section less any real estate broker commissions paid
37 pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

1 (6) This section is subject to and operates only to the extent its
2 application is not inconsistent with the operation of section 3 of this
3 act with respect to property acquired through or under the threat of
4 condemnation.

5 **Sec. 13.** RCW 47.12.283 and 1979 ex.s. c 189 s 1 are each amended
6 to read as follows:

7 (1) Whenever the department of transportation determines that any
8 real property owned by the state of Washington and under the
9 jurisdiction of the department is no longer required for highway
10 purposes and that it is in the public interest to do so, the department
11 may, in its discretion, sell the property under RCW 47.12.063 or under
12 subsections (2) through (6) of this section.

13 (2) Whenever the department determines to sell real property under
14 its jurisdiction at public auction, the department shall first give
15 notice thereof by publication on the same day of the week for two
16 consecutive weeks, with the first publication at least two weeks prior
17 to the date of the auction, in a legal newspaper of general circulation
18 in the area where the property to be sold is located. The notice shall
19 be placed in both the legal notices section and the real estate
20 classified section of the newspaper. The notice shall contain a
21 description of the property, the time and place of the auction, and the
22 terms of the sale. The sale may be for cash or by real estate
23 contract.

24 (3) The department shall sell the property at the public auction,
25 in accordance with the terms set forth in the notice, to the highest
26 and best bidder providing the bid is equal to or higher than the
27 appraised fair market value of the property.

28 (4) If no bids are received at the auction or if all bids are
29 rejected, the department may, in its discretion, enter into
30 negotiations for the sale of the property or may list the property with
31 a licensed real estate broker. No property shall be sold by
32 negotiations or through a broker for less than the property's appraised
33 fair market value. Any offer to purchase real property pursuant to
34 this subsection shall be in writing and may be rejected at any time
35 prior to written acceptance by the department.

36 (5) Before the department shall approve any offer for the purchase
37 of real property having an appraised value of more than ten thousand

1 dollars, pursuant to subsection (4) of this section, the department
2 shall first publish a notice of the proposed sale in a local newspaper
3 of general circulation in the area where the property is located. The
4 notice shall include a description of the property, the selling price,
5 the terms of the sale, including the price and interest rate if sold by
6 real estate contract, and the name and address of the department
7 employee or the real estate broker handling the transaction. The
8 notice shall further state that any person may, within ten days after
9 the publication of the notice, deliver to the designated state employee
10 or real estate broker a written offer to purchase the property for not
11 less than ten percent more than the negotiated sale price, subject to
12 the same terms and conditions. A subsequent offer shall not be
13 considered unless it is accompanied by a deposit of twenty percent of
14 the offer in the form of cash, money order, cashiers check, or
15 certified check payable to the Washington state treasurer, to be
16 forfeited to the state (for deposit in the motor vehicle fund) if the
17 offeror fails to complete the sale if the offeror's offer is accepted.
18 If a subsequent offer is received, the first offeror shall be informed
19 by registered or certified mail sent to the address stated in his
20 offer. The first offeror shall then have ten days, from the date of
21 mailing the notice of the increased offer, in which to file with the
22 designated state employee or real estate broker a higher offer than
23 that of the subsequent offeror. After the expiration of the ten day
24 period, the department shall approve in writing the highest and best
25 offer which the department then has on file.

26 (6) All moneys received pursuant to this section, less any real
27 estate broker's commissions paid pursuant to RCW 47.12.320, shall be
28 deposited in the motor vehicle fund.

29 (7) This section is subject to and operates only to the extent its
30 application is not inconsistent with the operation of section 3 of this
31 act with respect to property acquired through or under the threat of
32 condemnation.

33 **Sec. 14.** RCW 47.52.050 and 1971 ex.s. c 39 s 1 are each amended to
34 read as follows:

35 (1) For the purpose of this chapter the highway authorities of the
36 state, counties and incorporated cities and towns, respectively, or in
37 cooperation one with the other, may acquire private or public property

1 and property rights for limited access facilities and service roads,
2 including rights of access, air, view and light, by gift, devise,
3 purchase, or condemnation, in the same manner as such authorities are
4 now or hereafter may be authorized by law to acquire property or
5 property rights in connection with highways and streets within their
6 respective jurisdictions. Except as otherwise provided in subsection
7 (2) of this section all property rights acquired under the provisions
8 of this chapter shall be in fee simple. In the acquisition of property
9 or property rights for any limited access facility or portion thereof,
10 or for any service road in connection therewith, the state, county,
11 incorporated city and town authority may, in its discretion, acquire an
12 entire lot, block or tract of land, if by so doing the interest of the
13 public will be best served, even though said entire lot, block or tract
14 is not immediately needed for the limited access facility. This
15 subsection is subject to and operates only to the extent its
16 application is not inconsistent with the operation of section 3 of this
17 act with respect to property acquired through or under the threat of
18 condemnation.

19 (2) The highway authorities of the state, counties, and
20 incorporated cities and towns may acquire by gift, devise, purchase, or
21 condemnation a three dimensional air space corridor in fee simple over
22 or below the surface of the ground, together with such other property
23 in fee simple and other property rights as are needed for the
24 construction and operation of a limited access highway facility, but
25 only if the acquiring authority finds that the proposal will not:

26 (a) impair traffic safety on the highway or interfere with the free
27 flow of traffic; or

28 (b) permit occupancy or use of the air space above or below the
29 highway which is hazardous to the operation of the highway.

30 **Sec. 15.** RCW 53.08.090 and 1994 c 26 s 1 are each amended to read
31 as follows:

32 (1) A port commission may, by resolution, authorize the managing
33 official of a port district to sell and convey port district property
34 of ten thousand dollars or less in value. The authority shall be in
35 force for not more than one calendar year from the date of resolution
36 and may be renewed from year to year. Prior to any such sale or
37 conveyance the managing official shall itemize and list the property to

1 be sold and make written certification to the commission that the
2 listed property is no longer needed for district purposes. Any large
3 block of the property having a value in excess of ten thousand dollars
4 shall not be broken down into components of ten thousand dollars or
5 less value and sold in the smaller components unless the smaller
6 components be sold by public competitive bid. A port district may sell
7 and convey any of its real or personal property valued at more than ten
8 thousand dollars when the port commission has, by resolution, declared
9 the property to be no longer needed for district purposes, but no
10 property which is a part of the comprehensive plan of improvement or
11 modification thereof shall be disposed of until the comprehensive plan
12 has been modified to find the property surplus to port needs. The
13 comprehensive plan shall be modified only after public notice and
14 hearing provided by RCW 53.20.010.

15 Nothing in this section shall be deemed to repeal or modify
16 procedures for property sales within industrial development districts
17 as set forth in chapter 53.25 RCW.

18 (2) The ten thousand dollar figures in subsection (1) of this
19 section shall be adjusted annually based upon the governmental price
20 index established by the department of revenue under RCW 82.14.200.

21 (3) This section is subject to and operates only to the extent its
22 application is not inconsistent with the operation of section 3 of this
23 act with respect to property acquired through or under the threat of
24 condemnation.

25 **Sec. 16.** RCW 53.25.040 and 1989 c 167 s 1 are each amended to read
26 as follows:

27 (1) A port commission may, after a public hearing thereon, of which
28 at least ten days' notice shall be published in a newspaper of general
29 circulation in the port district, create industrial development
30 districts within the district and define the boundaries thereof, if it
31 finds that the creation of the industrial development district is
32 proper and desirable in establishing and developing a system of harbor
33 improvements and industrial development in the port district.

34 (2) The boundaries of an industrial development district created by
35 subsection (1) of this section may be revised from time to time by
36 resolution of the port commission, to delete land area therefrom, if

1 the land area to be deleted was acquired by the port district with its
2 own funds or by gift or transfer other than pursuant to RCW 53.25.050
3 or 53.25.060.

4 As to any land area to be deleted under this subsection that was
5 acquired or improved by the port district with funds obtained through
6 RCW 53.36.100, the port district shall deposit funds equal to the fair
7 market value of the lands and improvements into the fund for future use
8 described in RCW 53.36.100 and such funds shall be thereafter subject
9 to RCW 53.36.100. The fair market value of the land and improvements
10 shall be determined as of the effective date of the port commission
11 action deleting the land from the industrial development district and
12 shall be determined by an average of at least two independent
13 appraisals by professionally designated real estate appraisers as
14 defined in RCW 74.46.020 or licensed real estate brokers. The funds
15 shall be deposited into the fund for future use described in RCW
16 53.36.100 within ninety days of the effective date of the port
17 commission action deleting the land area from the industrial district.
18 Land areas deleted from an industrial development district under this
19 subsection shall not be further subject to the provisions of this
20 chapter. This subsection shall apply to presently existing and future
21 industrial development districts. Land areas deleted from an
22 industrial development district under this subsection that were
23 included within such district for less than two years, if the port
24 district acquired the land through condemnation or as a consequence of
25 threatened condemnation, shall be offered for sale, for cash, at the
26 appraised price, to the former owner of the property from whom the
27 district obtained title. Such offer shall be made by certified or
28 registered letter to the last known address of the former owner. The
29 letter shall include the appraised price of the property and notice
30 that the former owner must respond in writing within thirty days or
31 lose the right to purchase. If this right to purchase is exercised,
32 the sale shall be closed by midnight of the sixtieth day, including
33 nonbusiness days, following close of the thirty-day period. This
34 section is subject to and operates only to the extent its application
35 is not inconsistent with the operation of section 3 of this act with
36 respect to property acquired through or under the threat of
37 condemnation.

1 **Sec. 17.** RCW 70.44.300 and 1997 c 332 s 17 are each amended to
2 read as follows:

3 (1) The board of commissioners of any public hospital district may
4 sell and convey at public or private sale real property of the district
5 if the board determines by resolution that the property is no longer
6 required for public hospital district purposes or determines by
7 resolution that the sale of the property will further the purposes of
8 the public hospital district.

9 (2) Any sale of district real property authorized pursuant to this
10 section shall be preceded, not more than one year prior to the date of
11 sale, by market value appraisals by three licensed real estate brokers
12 or professionally designated real estate appraisers as defined in RCW
13 74.46.020 or three independent experts in valuing health care property,
14 selected by the board of commissioners, and no sale shall take place if
15 the sale price would be less than ninety percent of the average of such
16 appraisals.

17 (3) When the board of commissioners of any public hospital district
18 proposes a sale of district real property pursuant to this section and
19 the value of the property exceeds one hundred thousand dollars, the
20 board shall publish a notice of its intention to sell the property.
21 The notice shall be published at least once each week during two
22 consecutive weeks in a legal newspaper of general circulation within
23 the public hospital district. The notice shall describe the property
24 to be sold and designate the place where and the day and hour when a
25 hearing will be held. The board shall hold a public hearing upon the
26 proposal to dispose of the public hospital district property at the
27 place and the day and hour fixed in the notice and consider evidence
28 offered for and against the propriety and advisability of the proposed
29 sale.

30 (4) If in the judgment of the board of commissioners of any
31 district the sale of any district real property not needed for public
32 hospital district purposes would be facilitated and greater value
33 realized through use of the services of licensed real estate brokers,
34 a contract for such services may be negotiated and concluded. The fee
35 or commissions charged for any broker service shall not exceed seven
36 percent of the resulting sale price for a single parcel. No licensed
37 real estate broker or professionally designated real estate appraisers
38 as defined in RCW 74.46.020 or independent expert in valuing health

1 care property selected by the board to appraise the market value of a
2 parcel of property to be sold may be a party to any contract with the
3 public hospital district to sell such property for a period of three
4 years after the appraisal.

5 (5) This section is subject to and operates only to the extent its
6 application is not inconsistent with the operation of section 3 of this
7 act with respect to property acquired through or under the threat of
8 condemnation.

9 **Sec. 18.** RCW 79.36.330 and 2004 c 199 s 217 are each amended to
10 read as follows:

11 In the event the department should determine that the property
12 interests acquired under the authority of this chapter are no longer
13 necessary for the purposes for which they were acquired, the department
14 shall dispose of the same in the following manner, when in the
15 discretion of the department it is to the best interests of the state
16 of Washington to do so, except that property purchased with educational
17 funds or held in trust for educational purposes shall be sold only in
18 the same manner as are state lands:

19 (1) Where the state property necessitating the acquisition of
20 private property interests for access purposes under authority of this
21 chapter is sold or exchanged, the acquired property interests may be
22 sold or exchanged as an appurtenance of the state property when it is
23 determined by the department that sale or exchange of the state
24 property and acquired property interests as one parcel is in the best
25 interests of the state.

26 (2) If the acquired property interests are not sold or exchanged as
27 provided in subsection (1) of this section, the department shall notify
28 the person or persons from whom the property interest was acquired,
29 stating that the property interests are to be sold, and that the person
30 or persons shall have the right to purchase the same at the appraised
31 price. The notice shall be given by registered letter or certified
32 mail, return receipt requested, mailed to the last known address of the
33 person or persons. If the address of the person or persons is unknown,
34 the notice shall be published twice in an official newspaper of general
35 circulation in the county where the lands or a portion thereof is
36 located. The second notice shall be published not less than ten nor
37 more than thirty days after the notice is first published. The person

1 or persons shall have thirty days after receipt of the registered
2 letter or five days after the last date of publication, as the case may
3 be, to notify the department, in writing, of their intent to purchase
4 the offered property interest. The purchaser shall include with his or
5 her notice of intention to purchase, cash payment, certified check, or
6 money order in an amount not less than one-third of the appraised
7 price. No instrument conveying property interests shall issue from the
8 department until the full price of the property is received by the
9 department. All costs of publication required under this section shall
10 be added to the appraised price and collected by the department upon
11 sale of the property interests.

12 (3) If the property interests are not sold or exchanged as provided
13 in subsections (1) and (2) of this section, the department shall notify
14 the owners of land abutting the property interests in the same manner
15 as provided in subsection (2) of this section and their notice of
16 intent to purchase shall be given in the manner and in accordance with
17 the same time limits as are set forth in subsection (2) of this
18 section. However, if more than one abutting owner gives notice of
19 intent to purchase the property interests, the department shall
20 apportion them in relation to the lineal footage bordering each side of
21 the property interests to be sold, and apportion the costs to the
22 interested purchasers in relation thereto. Further, no sale is
23 authorized by this section unless the department is satisfied that the
24 amounts to be received from the several purchasers will equal or exceed
25 the appraised price of the entire parcel plus any costs of publishing
26 notices.

27 (4) If no sale or exchange is consummated as provided in
28 subsections (1) through (3) of this section, the department shall sell
29 the properties in the same manner as state lands are sold.

30 (5) Any disposal of property interests authorized by this chapter
31 shall be subject to any existing rights previously granted by the
32 department.

33 (6) This section is subject to and operates only to the extent its
34 application is not inconsistent with the operation of section 3 of this
35 act with respect to property acquired through or under the threat of
36 condemnation.

1 **Sec. 19.** RCW 80.28.230 and 1961 c 14 s 80.28.230 are each amended
2 to read as follows:

3 Any property or interest acquired as provided in RCW 80.28.220
4 shall be used exclusively for the purposes for which it was acquired:
5 PROVIDED, HOWEVER, That if any such property be sold or otherwise
6 disposed of by said corporations, such sale or disposition shall be by
7 public sale or disposition and advertised in the manner of public sales
8 in the county where such property is located. This section is subject
9 to and operates only to the extent its application is not inconsistent
10 with the operation of section 3 of this act with respect to property
11 acquired through or under the threat of condemnation.

12 **Sec. 20.** RCW 80.40.030 and 1963 c 201 s 4 are each amended to read
13 as follows:

14 Any natural gas company having received an order under RCW
15 80.40.040 shall have the right of eminent domain to be exercised in the
16 manner provided in and subject to the provisions of chapter 8.20 RCW to
17 acquire for its use for the underground storage of natural gas any
18 underground reservoir, as well as such other property or interests in
19 property as may be required to adequately maintain and utilize the
20 underground reservoir for the underground storage of natural gas,
21 including easements and rights of way for access to and egress from the
22 underground storage reservoir. The right of eminent domain granted
23 hereby shall apply to property or property interests held in private
24 ownership, provided condemnor has exercised good faith in negotiations
25 for private sale or lease. No property shall be taken or damaged until
26 the compensation to be made therefor shall have been ascertained and
27 paid. Any property or interest therein so acquired by any natural gas
28 company shall be used exclusively for the purposes for which it was
29 acquired. Any decree of appropriation hereunder shall define and limit
30 the rights condemned and shall provide for the reversion of such rights
31 to the defendant or defendants or their successors in interest upon
32 abandonment of the underground storage project. Good faith exploration
33 work or development work relative to the storage reservoir is
34 conclusive evidence that its use has not been abandoned. The court may
35 include in such decree such other relevant conditions, covenants and
36 restrictions as it may deem fair and equitable. This section is

1 subject to and operates only to the extent its application is not
2 inconsistent with the operation of section 3 of this act with respect
3 to property acquired through or under the threat of condemnation.

4 **Sec. 21.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
5 read as follows:

6 An authority shall have the following powers in addition to the
7 general powers granted by this chapter:

8 (1) To carry out the planning processes set forth in RCW
9 81.104.100;

10 (2) To acquire by purchase, condemnation, gift, or grant and to
11 lease, construct, add to, improve, replace, repair, maintain, operate,
12 and regulate the use of high capacity transportation facilities and
13 properties within authority boundaries including surface, underground,
14 or overhead railways, tramways, busways, buses, bus sets, entrained and
15 linked buses, ferries, or other means of local transportation except
16 taxis, and including escalators, moving sidewalks, personal rapid
17 transit systems or other people-moving systems, passenger terminal and
18 parking facilities and properties, and such other facilities and
19 properties as may be necessary for passenger, vehicular, and vessel
20 access to and from such people-moving systems, terminal and parking
21 facilities and properties, together with all lands, rights of way,
22 property, equipment, and accessories necessary for such high capacity
23 transportation systems. When developing specifications for high
24 capacity transportation system operating equipment, an authority shall
25 take into account efforts to establish or sustain a domestic
26 manufacturing capacity for such equipment. The right of eminent domain
27 shall be exercised by an authority in the same manner and by the same
28 procedure as or may be provided by law for cities of the first class,
29 except insofar as such laws may be inconsistent with the provisions of
30 this chapter. Public transportation facilities and properties which
31 are owned by any city, county, county transportation authority, public
32 transportation benefit area, or metropolitan municipal corporation may
33 be acquired or used by an authority only with the consent of the agency
34 owning such facilities. Such agencies are hereby authorized to convey
35 or lease such facilities to an authority or to contract for their joint
36 use on such terms as may be fixed by agreement between the agency and
37 the authority.

1 The facilities and properties of an authority whose vehicles will
2 operate primarily within the rights of way of public streets, roads, or
3 highways, may be acquired, developed, and operated without the corridor
4 and design hearings that are required by RCW 35.58.273 for mass transit
5 facilities operating on a separate right of way;

6 (3) To dispose of any real or personal property acquired in
7 connection with any authority function and that is no longer required
8 for the purposes of the authority, in the same manner as provided for
9 cities of the first class. When an authority determines that a
10 facility or any part thereof that has been acquired from any public
11 agency without compensation is no longer required for authority
12 purposes, but is required by the agency from which it was acquired, the
13 authority shall by resolution transfer it to such agency. This
14 subsection is subject to and operates only to the extent its
15 application is not inconsistent with the operation of section 3 of this
16 act with respect to property acquired through or under the threat of
17 condemnation;

18 (4) To fix rates, tolls, fares, and charges for the use of such
19 facilities and to establish various routes and classes of service.
20 Fares or charges may be adjusted or eliminated for any distinguishable
21 class of users.

22 NEW SECTION. Sec. 22. A new section is added to chapter 8.04 RCW
23 to read as follows:

24 (1) No public entity that is subject to this chapter or that
25 derives authority from this chapter may take private property solely
26 for the purpose of:

27 (a) Increasing tax revenues or the tax base;

28 (b) Increasing employment; or

29 (c) Transferring the private property to another private person or
30 entity.

31 (2)(a) This section does not apply to the use of eminent domain by
32 a county, city, or town, under chapter 35.80A RCW, or under chapter
33 35.81 RCW, the community renewal law.

34 (b) This section does not apply to port districts, or to public
35 service companies as defined in RCW 80.04.010, or to common carriers as
36 defined in RCW 81.04.010, and does not by implication increase,

1 decrease, or alter the powers of eminent domain of those districts,
2 public service companies, or common carriers.

3 NEW SECTION. **Sec. 23.** A new section is added to chapter 8.08 RCW
4 to read as follows:

5 (1) No public entity that is subject to this chapter or that
6 derives authority from this chapter may take private property solely
7 for the purpose of:

8 (a) Increasing tax revenues or the tax base;

9 (b) Increasing employment; or

10 (c) Transferring the private property to another private person or
11 entity.

12 (2)(a) This section does not apply to the use of eminent domain by
13 a county, city, or town, under chapter 35.80A RCW, or under chapter
14 35.81 RCW, the community renewal law.

15 (b) This section does not apply to port districts, or to public
16 service companies as defined in RCW 80.04.010, or to common carriers as
17 defined in RCW 81.04.010, and does not by implication increase,
18 decrease, or alter the powers of eminent domain of those districts,
19 public service companies, or common carriers.

20 NEW SECTION. **Sec. 24.** A new section is added to chapter 8.12 RCW
21 to read as follows:

22 (1) No public entity that is subject to this chapter or that
23 derives authority from this chapter may take private property solely
24 for the purpose of:

25 (a) Increasing tax revenues or the tax base;

26 (b) Increasing employment; or

27 (c) Transferring the private property to another private person or
28 entity.

29 (2)(a) This section does not apply to the use of eminent domain by
30 a county, city, or town, under chapter 35.80A RCW, or under chapter
31 35.81 RCW, the community renewal law.

32 (b) This section does not apply to port districts, or to public
33 service companies as defined in RCW 80.04.010, or to common carriers as
34 defined in RCW 81.04.010, and does not by implication increase,
35 decrease, or alter the powers of eminent domain of those districts,
36 public service companies, or common carriers.

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 8.16 RCW
2 to read as follows:

3 (1) No public entity that is subject to this chapter or that
4 derives authority from this chapter may take private property solely
5 for the purpose of:

6 (a) Increasing tax revenues or the tax base;

7 (b) Increasing employment; or

8 (c) Transferring the private property to another private person or
9 entity.

10 (2)(a) This section does not apply to the use of eminent domain by
11 a county, city, or town, under chapter 35.80A RCW, or under chapter
12 35.81 RCW, the community renewal law.

13 (b) This section does not apply to port districts, or to public
14 service companies as defined in RCW 80.04.010, or to common carriers as
15 defined in RCW 81.04.010, and does not by implication increase,
16 decrease, or alter the powers of eminent domain of those districts,
17 public service companies, or common carriers.

18 NEW SECTION. **Sec. 26.** A new section is added to chapter 8.20 RCW
19 to read as follows:

20 (1) No public entity that is subject to this chapter or that
21 derives authority from this chapter may take private property solely
22 for the purpose of:

23 (a) Increasing tax revenues or the tax base;

24 (b) Increasing employment; or

25 (c) Transferring the private property to another private person or
26 entity.

27 (2)(a) This section does not apply to the use of eminent domain by
28 a county, city, or town, under chapter 35.80A RCW, or under chapter
29 35.81 RCW, the community renewal law.

30 (b) This section does not apply to port districts, or to public
31 service companies as defined in RCW 80.04.010, or to common carriers as
32 defined in RCW 81.04.010, and does not by implication increase,
33 decrease, or alter the powers of eminent domain of those districts,
34 public service companies, or common carriers.

35 NEW SECTION. **Sec. 27.** A new section is added to chapter 8.25 RCW
36 to read as follows:

1 (1) No public entity may take private property solely for the
2 purpose of:

- 3 (a) Increasing tax revenues or the tax base;
- 4 (b) Increasing employment; or
- 5 (c) Transferring the private property to another private person or
6 entity.

7 (2)(a) This section does not apply to the use of eminent domain by
8 a county, city, or town, under chapter 35.80A RCW, or under chapter
9 35.81 RCW, the community renewal law.

10 (b) This section does not apply to port districts, or to public
11 service companies as defined in RCW 80.04.010, or to common carriers as
12 defined in RCW 81.04.010, and does not by implication increase,
13 decrease, or alter the powers of eminent domain of those districts,
14 public service companies, or common carriers.

15 NEW SECTION. **Sec. 28.** This act applies to condemnation
16 proceedings commenced on or after the effective date of this act."

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By Committee on Judiciary

17 On page 1, line 1 of the title, after "domain;" strike the
18 remainder of the title and insert "amending RCW 8.25.020, 28A.335.120,
19 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115, 43.82.010,
20 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040, 70.44.300,
21 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new sections to
22 chapter 8.25 RCW; adding a new section to chapter 39.33 RCW; adding a
23 new section to chapter 8.04 RCW; adding a new section to chapter 8.08
24 RCW; adding a new section to chapter 8.12 RCW; adding a new section to
25 chapter 8.16 RCW; adding a new section to chapter 8.20 RCW; and
26 creating a new section."

--- END ---